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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,747	05/28/2002	John Christopher McNamee	CU-2717 RJS	4188

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LADAS & PARRY LLP
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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/030,747

Applicant(s)

MCNAMEE, JOHN CHRISTOPHER

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-27-2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Amendment, filed 12-27-2006, with respect to the rejection(s) of claim(s) 1 and 3-8 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Please see the rejection(s) below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim includes the limitation '...the second communications link may be used by the visitor to attempt to connect the visitor to one of a limited number of addresses pre-selected by the client...'. It is not clear that the visitor will connect to one of a limited number of addresses pre-selected by the client, since the term 'may be' is vague.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1, 3, 4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 6,330,079 by Dugan et al, hereinafter Dugan, in further view of U.S. Patent No. 6,047,053 by Miner et al, hereinafter Miner.

Regarding claim 1, Dugan discloses a mail system or platform (Fig. 1A, 10) accessible by a caller or subscriber (Fig. 1A, 12) using a first communications link (col. 5, lines 34-49), said system including:

a plurality of client mail accounts, each client mail account being associated with a client;

means for receiving and storing messages in the client mail accounts (col. 5, lines 13-32);

means for identifying and verifying the identity of a caller (e.g. subscriber; guest caller) to access a client mail account (col. 4, lines 34-50);

means for retrieving messages from the client mail accounts (col. 14, line 63 – col. 15, line 30);

means for establishing a second communications link from the mail system to an address selected by the caller;

means for connecting the caller through the first communications link (e.g. ACD) to the second communications link (e.g. ARU) and thereby to the selected address (col. 15, line 54 – col. 16, line 10); and

means for maintaining the first communications link (e.g. ACD) inherently upon termination of the second communications link (e.g. ARU) (col. 5, lines 54-62; wherein the ACD must extend the call back to the switch network and release the call via RLT when a call has terminated and the connection with the ARU is also terminated);

wherein the second communications link connects the caller (e.g. subscriber) to one of a limited number of addresses (e.g. callback number) specified by the caller (col. 15, line 54 – col. 16, line

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10); wherein the system includes means for determining whether the caller is a client or a visitor to the client account and, if the caller is determined to be a visitor, to allow the visitor access to a limited number of services.

Dugan clearly teaches connecting a subscriber through the first communications link to the second communications link. However, Dugan does not disclose if the caller is determined to be a visitor, the second communications link may be used by the visitor to attempt to connect the visitor to one of a limited number of addresses pre-selected by the client.

Miner discloses a mail system (e.g. electronic assistant; Fig. 1, 10; col. 1, line 66 – col. 2, line 45) accessible by a caller using a first communications link (see Abstract; col. 2, lines 28-45; col. 3, lines 5-21; col. 7, lines 16-28; col. 32, line 33 – col. 33, line 29), said system including: a plurality of client mail accounts, each client mail account being associated with a client (col. 1, line 66 – col. 2, line 7); means for receiving and storing messages in the client mail accounts (col. 5, line 30 – col. 6, line 17); means for identifying and verifying the identity of a caller to access a client mail account (col. 7, lines 19-35; col. 33, line 36 – col. 34, line 19); means for retrieving messages from the client mail accounts (col. 16, lines 1-34; col. 34, lines 20-47; col. 38, lines 47-58); means for establishing a second communications link from the mail system to an address selected by the client (col. 2, lines 28-45; col. 3, lines 5-21; col. 8, line 27 – col. 9, line 8; col. 35, line 45 – col. 37, line 64; col. 43, line 53 – col. 44, line 12);

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means for connecting the caller through the first communications link to the second communications link and thereby to the selected address (col. 8, line 27 – col. 9, line 8; col. 35, line 45 – col. 37, line 64); and

means for maintaining the first communications link upon termination of the second communications link (col. 8, lines 62-65; col. 9, lines 21-25);

wherein the system includes means for determining whether the caller is a client or a visitor to the client account (col. 7, lines 16-56; col. 32, line 33 – col. 34, line 19) and,

if the caller is determined to be a visitor (e.g. caller),

the second communications link may be used by the visitor to attempt to connect the visitor to one of a limited number of addresses pre-selected by the client (col. 4, lines 18-28; col. 8, line 27 – col. 9, line 8; col. 35, line 45 – col. 37, line 64; col. 43, line 53 – col. 44, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mail system of Dugan to include if the caller is determined to be a visitor, the second communications link may be used by the visitor to attempt to connect the visitor to one of a limited number of addresses pre-selected by the client as taught by Miner. One of ordinary skill in the art would have been lead to make such a modification to allow the visitor to make contact with a client on an alternative extension via the mail system, wherein the client designates what alternative extensions are available (e.g. home phone number, work phone number, mobile phone number).

Regarding claim 3, the mail system as claimed in claim 1, wherein Miner further discloses the first communication link connects a user interface device associated with a caller to the mail system (col. 2, lines 8-27; col. 7, lines 19-22).

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Regarding claim 4, the mail system as claimed in claim 3, wherein Miner further discloses the user interface device is a telephone, cellular phone, pager, computing device, or Wireless Application Protocol (WAP) terminal (col. 2, lines 8-27; col. 7, lines 19-22).

Regarding claim 6, the mail system as claimed in claim 1, wherein Dugan further discloses means for storing messages in the client mail accounts in electronic form such that said messages can be retrieved by a caller using a computing device and a modem (col. 16, lines 11-34; col. 17, lines 8-15).

Regarding claim 7, the mail system as claimed in claim 1, wherein Miner further discloses means for converting messages stored in electronic form to voice messages so that a caller may retrieve voice messages from the mail system (col. 6, lines 10-12; col. 16, lines 1-34; col. 34, lines 27-47; col. 42, lines 37-48).

Regarding claim 8, the mail system as claimed in claim 1, wherein Miner further discloses voice recognition means adapted to recognize speech and to generate system commands in response to the recognized speech (col. 6, line 23 – col. 7, line 9; col. 33, line 46 – col. 34, line 39).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dugan in view of Miner, as applied to claim 1, and in further view of U.S. Patent Application Publication No. US 2004/0077334 by Joyce et al, hereinafter Joyce.

Regarding claim 5, a mail system as claimed in claim 1, wherein Dugan further discloses the second communications link connects the mail system to an extension of a Public Switched Telephone Network (PSTN) (col. 8, lines 49-57); and means for automatically establishing the

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second communications link between a caller and said extension (col. 15, line 54 – col. 16, line 10).

Dugan does not disclose detecting a busy or engaged signal on said extension.

Miner further discloses the second communications link connects the mail system to an extension of a Public Switched Telephone Network (PSTN); and the mail system further includes means for detecting a busy or engaged signal on said extension, and means for automatically sending an announcement to a caller (col. 2, lines 16-27; col. 35, line 45 – col. 37, lines 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mail system of Dugan to detect a busy or engaged signal as taught by Miner. One of ordinary skill in the art would have been lead to make such a modification to inform the caller that a requested call to the second communications link is busy or engaged (e.g. failed) and the caller can be prompted to leave a message for the intended recipient.

However, Dugan in view of Miner do not disclose means for automatically establishing the second communications link between a caller and said extension when said busy signal or said engaged signal is no longer detected.

Joyce discloses a telephony platform (Fig. 1, 100) accessible by a caller or customer (Fig. 1, 1) using a first communications link (section 0059, lines 1-21), said platform including: a plurality of client mail accounts, each client mail account being associated with a client; means for receiving and storing messages in the client mail accounts (section 0029, lines 1-17); means for identifying and verifying the identity of a caller (section 0073, lines 1-5); means for retrieving messages from the client mail accounts (section 0074, lines 1-11); means for

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establishing a second communications link from the mail system to an address selected by a caller; means for connecting the caller through the first communications link to the second communications link and thereby to the selected address (section 0078, lines 1-11); and means for maintaining the first communications link inherently upon termination of the second communications link, wherein the caller has called into the platform (first communications link) and the IN (Intelligent Network) service establishes a second communications link with the caller (section 0077, lines 1-7). Wherein, the platform further discloses means for detecting a busy or engaged signal on a outgoing call, and means for automatically establishing the second communications link between a caller and the outgoing call through said platform when said busy signal or said engaged signal is no longer detected (section 0078, lines 30-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mail system of Dugan in view of Miner to include means for automatically establishing the second communications link as taught by Joyce. One of ordinary skill in the art would have been lead to make such a modification to re-connect the caller to said extension to successfully establish the second communications link.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see PTO-892 Form.
8. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

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(571) 273-8300 (for formal communications intended for entry)

Or call:


(571) 272-2600 (for customer service assistance)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
March 14, 2007


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